

**United States District Court
for the
District of Rhode Island**

United States of America)	
)	
vs.)	CR 09-0058-01S
)	
Brian Murphy)	


ORDER

Brian Murphy has pled guilty to Distribution and Possession of Child Pornography, in violation of Title 18, United States Code, Sections 2252(a)(2) and 2242(a)(4). Sentencing is scheduled for September 4, 2009. The Court does not have before it sufficient information to assess the nature and extent of the defendant's mental health issues.

IT IS HEREBY ORDERED that:

1. Michael Stevens of Counseling Psychology at Behavior Medicine & Health, Providence, Rhode Island, shall conduct a Psychosexual Forensic Evaluation of the defendant and prepare a report pursuant to Title 18, United States Code, Sections 3552(c) & 4244(b) to assess the nature and extent of the defendant's mental health issues and determine what risk, if any, he may pose to the community.
2. Pursuant to Title 18, United States Code, Section 4247(c), the content of such report shall include:
 - a. A synopsis of the defendant's present symptoms and prior treatment history.
 - b. The examiner's opinion as to whether the defendant is a threat to the community, particularly children.
 - c. A determination as to whether the defendant is a sexual predator and will likely act out on any of these incidents.
 - d. A determination as to whether the examiner is in concurrence with the conclusions reached by Deborah L. Diamond, M.S., LMHC of The Counseling & Psychotherapy Center, Inc., Needham, Massachusetts in her report, dated April 28, 2008. The Probation Department may disclose Ms. Diamond's report to Mr. Stevens.
3. The report should also indicate what the defendant's treatment needs would be if he were released back into the community.
4. To facilitate the preparation of this report, the Probation Department may submit case file information to Mr. Stevens in the preparation of his report.
5. The report should be submitted to the Court through the Probation Department by Monday, July 27, 2009. The U.S. Probation Department will be responsible for providing copies of the report to the Court, U.S. Attorneys Office, and defense counsel.
6. The Administrative Office of the U.S. Courts shall incur the cost of the evaluation.

SO ORDERED.



Honorable William E. Smith
United States District Judge
Date: 6/1/09